

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**ARNOLD RAY LAMOTTE, JR. AND
EMPEROR ROYALTY FAMILY ELITE
SPECIALIST TRANSPORTATION,**

PLAINTIFFS,

VS.

**EDDIE MURGIC, ERIC CORNELIUS,
VANNESA MURGIC, APRIL CROSBY,
AND TRAVELOKO, LLC,**

DEFENDANTS.

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CIVIL CASE NO. 5:21-cv-00034

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

COMES NOW Defendants Eddie Murgic, Eric Cornelius, Vanessa Murgic, April Cosby and Traveloko, LLC (collectively “Defendants”), and hereby remove this lawsuit currently pending in the District Court for the 407th Judicial District Court of Bexar County Texas, Cause No. 20202-CI-24249, to the United States District Court for the Western District of Texas, San Antonio Division, pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446(b)(1), on the grounds of diversity of citizenship, and would respectfully show the Court as follows:

BACKGROUND AND BASIS FOR REMOVAL

1. Plaintiffs Arnold Ray Lamotte Jr. and Emperor Royalty Family Elite Specialist Transportation filed this action on December 18, 2020 and it was given Cause No. 2020-CI-24249.
2. This action is between citizens of different states. Plaintiffs are citizens of Texas, while three of the Defendants (Eddie Murgic, Vanessa Murgic and Traveloko, LLC) are citizens of California and the two other Defendants (Eric Cornelius and April Cosby) are Georgia citizens.

3. The amount in controversy requirement is also met. On pg. 9 of their Petition, Plaintiffs state that they are asserting claims for breach of contract (among others) and are seeking “compensatory damages, general damages, . . . in the amount of FIVE HUNDRED MILLION DOLLARS.” See *Allen v. R & H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1995) (holding that the amount in controversy requirement is met when it is “facially apparent” from the petition that the claim likely exceeds the requisite jurisdictional amount). Accordingly, this Court has original jurisdiction pursuant to 28 U.S.C. § 1332.

4. Defendants received the summons and complaint on January 4, 2021, so this removal is timely under 28 U.S.C § 1446(b).

5. A copy of all process, pleadings, and orders served upon Defendants are attached at **Exhibit A.**

6. Defendant filed an Answer in the state court on January 13, 2021, and a copy is attached at **Exhibit B.**

7. Per the local rules, the State Court docket sheet is attached hereto at **Exhibit C.**

8. Defendants have provided written notice of this Removal to all adverse parties and have filed a copy with the clerk of the 407th Judicial District Court of Bexar County, Texas.

9. All Defendants consent to this removal.

PRAYER FOR RELIEF

Accordingly, Defendants pray that this Honorable Court (1) accept jurisdiction over the state court action for the reasons set forth above and (2) grant it any such other and further relief to which they may show themselves entitled.

Dated: January 15, 2021

Respectfully submitted,

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Attorney for all named Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following counsel of record in accordance with the Federal Rules of Civil Procedure via e-mail and usps on this 15th day of January, 2021.

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